

IMPORTANT INFORMATION ON THE REGISTRATION AS AN ATHLETE AGENT

Pursuant to Senate Bill 1122, which becomes law on August 28, 2004, athlete agents will be required to register with the Division of Professional Registration, Office of Athlete Agents.

Your current registration with the Secretary of State's office will expire on August 28, 2004. Each **individual** Athlete Agent must register with the Office of Athlete Agents in order to engage in the business of an athlete agent in the State of Missouri.

Who should be concerned about this law?

1. Student athletes who are subject to the rules and regulations of the National Collegiate Athletic Association, the National Association for Intercollegiate Athletics, or the National Junior College Athletic Associations;
2. Athletic Directors and coaches at universities and colleges;
3. Presidents of universities and colleges;
4. Professional players associations; and
5. Athlete agents.

Where can I find the new law?

Sections 436.215 to 436.272 RSMo. The "Uniform Athlete Agents Act." This act can be found at www.moga.state.mo.us/STATUTES/C436.HTM

Who is an Athlete Agent?

"An individual who enters into an agency contract with a student-athlete or directly or indirectly recruits or solicits a student-athlete to enter into an agency contract. The term does not include a spouse, parent, sibling, grandparent, or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. The term includes an individual who represents to the public that the individual is an athlete agent."

What if I have five athlete agents working for my company who contact Student Athletes in the State of Missouri?

Each athlete agent must apply for and be granted a registration to conduct business as an athlete agent in the State of Missouri.

NOTE: Registrations will be issued to individuals NOT to businesses.

What is the cost of an athlete agent registration?

The total cost is \$538 (\$500 application fee; \$14 for a Missouri State Criminal History and \$24 for a Federal Bureau of Investigations fingerprint records check).

When will this registration expire?

Registrations issued after August 28, 2004, will be valid until June 30, 2007.

What type of criminal history check will be done?

For an application for registration as an Athlete Agent to be valid, two sets of fingerprints must be submitted with your application. The fingerprint cards can be obtained from the Office of Athlete Agents. One of the fingerprint cards will be used to complete a background check in the State of Missouri. The second fingerprint card will be used to do a nationwide criminal history check through the Federal Bureau of Investigations.

Will I have to wait for my criminal history check to come back before I can be issued a registration?

Since this new law does not allow for the grandfathering of athlete agents currently registered by the Office of the Secretary of State, the office will issue registrations to those applicants that pay the proper fee and do not have discipline against their athlete agent license or registration in another state. The division will issue registrations without the results of the criminal background checks. However, if the criminal background check reveals convictions, the division may choose to discipline the registration.

Will I receive notification that I am registered as an Athlete Agent?

Yes, the office will issue you a 5X7 license and a wallet license.

Can the Office of Athlete Agents deny a certificate of registration for an athlete agent?

Yes, an applicant can be denied a registration for the following;

1. Being convicted of a crime that if committed in this state would be a felony or other crime involving moral turpitude;
2. Making a materially false, misleading, deceptive, or fraudulent representation as an athlete agent or in the application;
3. Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity;
4. Engaging in conduct prohibited in 436.254 RSMo;
5. Had a registration or licensure as an athlete agent suspended, revoked, or denied or been refused renewal of registration or license in any state;
6. Engaged in conduct or failed to engage in conduct the consequences of which was that a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate athletic event was imposed on a student-athlete or educational institution; or
7. Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity.

Does an agency contract have to be in writing?

An agency contract must be in a record signed by the parties.

What must an agency contract state?

1. The amount and method of calculating the consideration to be paid by the student-athlete for services to be provided by the athlete agent under the contract and another consideration the athlete agent has received or will receive from any other source for entering into the contract or for providing the services;
2. The name of any person not listed in the application for registration or renewal who will be compensated because the student-athlete signed the agency;
3. A description of any expenses that the student-athlete agrees to reimburse;
4. A description of the services to be provided to the student-athlete;
5. The duration of the contract; and
6. The date of execution.

An agency contract that does not conform to this section is voidable by the student-athlete.

Are there any disclosures that must be made on an agency contract?

Yes, in close proximity to the signature of the student-athlete a conspicuous notice in boldface type in capital letters stating:

"WARNING TO STUDENT-ATHLETE IF YOU SIGN THIS CONTRACT; (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT-ATHLETE IN YOUR SPORT; (2) BOTH YOU AND YOUR ATHLETE AGENT ARE REQUIRED TO TELL YOUR ATHLETIC DIRECTOR, IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER ENTERING INTO AN AGENCY CONTRACT; AND (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THE CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY."

Should a student-athlete be given a copy of the agency agreement they have signed?

Yes, 432.242.5. RSMo., states that an athlete agent shall give a copy of the signed agency agreement to the student-athlete at the time of signing.

Does the athlete agent have to notify the Athletic Director that they have entered into an agency agreement with a student-athlete?

Yes, within 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student-athlete may participate whichever occurs first the athlete agent shall give notice in writing of the existence of the contract to the athletic director of the educational institution at which the student-athlete is enrolled or the athlete agent has reasonable grounds to believe the student-athlete intends to enroll.

Does the student-athlete have to notify the Athletic Director that they have entered into an agency agreement?

Yes, within 72 hours after entering into an agency contract or before the next scheduled athletic event in which the student-athlete may participate whichever occurs first the student-athlete shall in writing inform the athletic director of the educational institution at which the student-athlete is enrolled that he or she has entered into an agency agreement.

Can a student-athlete cancel an agency agreement?

Yes, a student-athlete may cancel an agency agreement contract by giving notice in writing to the athlete agent of the cancellation within 14 days after the contract is signed.

Can a student-athlete waive their rights to cancel an agency agreement?

No.

If a student-athlete cancels a signed agency agreement within the 14 days timeframe to cancel, must the student-athlete pay any consideration under the contract or return any consideration received from the athlete agent to induce the student-athlete to enter into the contract?

No.

What records is an athlete agent required to retain for 5 years?

1. The name and address of each individual represented by the athlete agent;
2. Any agency contract entered into by the athlete agent; and
3. Any direct costs incurred by the athlete agent in the recruitment or solicitation of a student-athlete.

May the Office of Athlete Agents inspect record retained by the Athlete Agent?

Yes, during normal business hours.

Can an Athlete Agent give anything of value to a student-athlete before the student-athlete enters into an agency agreement?

No.

Can an Athlete Agent contact a student-athlete before being registered with the Office of Athlete Agents?

No.

**PLEASE READ THE ENCLOSED LAW BOOK FOR ADDITIONAL
INFORMATION**